



9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG-2010-1066]

Recreational Boating Safety Projects, Programs and Activities  
Funded Under Provisions of the Transportation Equity Act for the  
21st Century; Accounting of

ACTION: Notice.

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SUMMARY: In 1999, the Transportation Equity Act for the 21st Century made \$5 million per year available to the Secretary of Homeland Security for payment of Coast Guard expenses for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program. In 2005, the law was amended, and the amount was increased to \$5.5 million. The Coast Guard is publishing this notice to satisfy a requirement of the Act that a detailed accounting of the projects, programs, and activities funded under the national recreational boating safety program provision of the Act be published annually in the Federal Register. In this notice, we have specified the funding amounts the Coast Guard has committed, obligated, or expended during fiscal year 2011, as of September 30, 2011.

FOR FURTHER INFORMATION CONTACT: For questions on this notice, call Jeff Ludwig, Regulations Development Manager, telephone 202-372-1061.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The Transportation Equity Act for the 21<sup>st</sup> Century became law on June 9, 1998 (Public Law 105-178; 112 Stat. 107). The Act required that of the \$5 million made available to carry out the national recreational boating safety program each year, \$2 million shall be available only to ensure compliance with Chapter 43 of Title 46, U.S. Code--Recreational Vessels. On September 29, 2005, the Sportfishing and Recreational Boating Safety Amendments Act of 2005 was enacted (Public Law 109-74; 119 Stat. 2031). This Act increased the funds available to the national recreational boating safety program from \$5 million to \$5.5 million annually, and stated that "not less than" \$2 million shall be available only to ensure compliance with Chapter 43 of Title 46, U.S. Code--Recreational Vessels.

These funds are available to the Secretary from the Sport Fish Restoration and Boating Trust Fund established under section 9504(a) of title 26 U.S. Code for payment of Coast guard expenses for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program. Subsection (c) of section 7405 of the

Transportation Equity Act for the 21<sup>st</sup> Century, codified at 46 U.S.C. 13107(c), directs that no funds available to the Secretary under this subsection may be used to replace funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized; namely, for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program. Amounts made available each fiscal year from 1999 through 2011 shall remain available during the 2 succeeding fiscal years. Any amount that is unexpended or unobligated at the end of the 3-year period during which it is available, shall be withdrawn by the Secretary and allocated to the States in addition to any other amounts available for allocation in the fiscal year in which they are withdrawn or the following fiscal year.

Use of these funds requires compliance with standard Federal contracting rules with associated lead and processing times resulting in a lag time between available funds and spending. The total amount of funding transferred to the Coast Guard from the Sport Fish Restoration and Boating Trust Fund and committed, obligated, and/or expended during fiscal year 2011 for each activity is shown below.

#### Specific Accounting of Funds

National Recreational Boating Safety Survey: Funding was provided toward a national recreational boating survey that will

cover a five year period. The purpose of this survey is to obtain up-to-date statistically valid estimates on recreational boating safety. During this five year period, three surveys will be conducted. During fiscal year 2011, funding was provided to conduct the first two surveys. (\$6,345,764).

Factory Visit Program/Boat Testing Program: Funding was provided to continue the national recreational boat factory visit program, initiated in January 2001. The factory visit program currently allows contracted personnel, acting on behalf of the Coast Guard, to visit 1,150 recreational boat manufacturers each year to either inspect for compliance with Federal regulations, communicate with the manufacturers as to why they need to comply with Federal regulations, or educate them, as necessary, on how to comply with Federal regulations. Funding was also provided for testing of certain associated equipment and in-water testing of atypical and used recreational boats for compliance with capacity and flotation standards. Funding in the amount of \$1,995.416 was provided for the Factory Visit Program/Boat Testing Program. This amount, along with approximately \$100,000 of the funding provided for "personnel support" and approximately \$140,000 of the funding provided for "reimbursable salaries" detailed below, satisfies the legal requirements that "not less than" \$2 million be available to

ensure compliance with Chapter 43 of Title 46, U.S. Code--  
Recreational Vessels. (\$1,995,416).

New Recreational Boating Safety Associated Travel: Travel by members of the Boating Safety Division's strategic planning panel was undertaken to attend meetings to develop the next iteration of the national recreational boating safety program strategic plan. (\$652).

Boating Accident News Clipping Services: Funding was provided to continue to gather daily news stories of recreational boating accidents nationally for more real time accident information and to identify accidents that may involve regulatory non-compliances or safety defects. (\$79,119).

Web-based Document Management System: Funding was provided to continue to provide a web-based document management system to better enable the handling of thousands of recreational boating recall case and campaign reports. (\$75,000).

Recreational Boating Safety (RBS) Outreach Program: Funding was allocated for this program which provides full marketing, media, public information, and program strategy support to the nation-wide RBS effort. The goal is to coordinate the RBS outreach initiatives and campaigns, some of which include: National Boating Under the Influence Campaign (BUI), "Boat Responsibly!", Life Jacket Wear, Vessel Safety Check Program (VSC), Boating Safety Education Courses, Propeller

Strike Avoidance, Carbon Monoxide Poisoning Awareness and Education, and other recreational boating safety issues on an as needed basis. (\$940,988).

Boating Accident Report Form: Funding was provided to update the Coast Guard's Form CG-3865, which is used to report boating accidents. The form was updated to reflect a few minor changes in reporting requirements, and to ensure the electronic version of the form met all federal accessibility requirements. (\$1,110).

Boating Accident Report Database (BARD) Web System: Funding was allocated to continue providing the BARD Web System, which enables reporting authorities in the 50 States, five U.S. Territories, and the District of Columbia to submit their accident reports electronically over a secure Internet connection. The system also enables the user community to generate statistical reports that show the frequency, nature, and severity of boating accidents. Fiscal year 2011 funds supported system maintenance, development, and technical (hotline) support. (\$320,945).

Personnel Support: Funding was provided for personnel to support the development of new regulations and to conduct boating safety-related research and analysis. (\$693,266).

Reimbursable Salaries: Funding was provided to carry out the work as prescribed in 46 U.S.C. 13107(c) and as described

herein. The first position was that of a professional mathematician / statistician to conduct necessary national surveys and studies on recreational boating activities as well as to serve as a liaison to other Federal agencies that are conducting boating surveys so that we can pool our resources and reduce costs. The second position was that of an Outreach Coordinator with responsibilities that include overseeing and managing RBS projects related to carbon monoxide poisoning, propeller injury mitigation, and manufacturer compliance initiatives. (\$296,823).

Of the \$5.5 million made available to the Coast Guard in fiscal year 2011, \$507,703.80 has been committed, obligated, or expended and an additional \$10,241,378.91 of prior fiscal year funds have been committed, obligated, or expended, as of September 30, 2011. Approximately \$5.4 million has not been committed, obligated, or expended from previous years and is being reserved for the five year national boating survey that was previously discussed in this Notice.

This notice is issued pursuant to 46 U.S.C. 13107(c)(4).

Dated: January 18, 2012

/s/

PAUL F. THOMAS  
Captain, U.S. Coast Guard  
Acting Director of Prevention Policy

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